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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,916	10/23/2003	Jan Herschel	H01.2-11371	6523

490 7590 03/23/2006

VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 03/23/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/691,916  
Filing Date: October 23, 2003  
Appellant(s): HERSCHEL ET AL.

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Jennifer L. Buss  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/16/06 appealing from the Office action  
mailed 6/16/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

3765729	Toomey	10-1973
6079792	Kessler	6-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toomey in view of Kessler.

**(10) Response to Argument**

The examiner notes that the appellant has not argued the combination specifically but the alleged inadequacy of the base reference. Therefore, the examiner will focus his remarks solely on the disclosure of Toomey. For clarification purposes, the examiner notes that the claimed first and second hydraulic brake cylinders (22 and 26) refer to what is commonly called master cylinders in the art, not the brakes themselves (10,12,14, and 16).

Appellant argues that leg 27 of the shuttle valve disclosed in Toomey can not be called a brake conduit because it is integral with the shuttle valve. The examiner disagrees with this interpretation. The term conduit is defined as "1 : a natural or artificial channel through which something (as a fluid) is conveyed" (Merriam-Webster Online Dictionary). Leg 27 meets the definition of conduit because it will convey the fluid to the brake.

Even if the interpretation of the Appellant is adopted, the Toomey reference still meets the limitations of the claim. Connector 28, which is attached to leg 27 by threads, is not part of the shuttle valve (nor the brake 29) and constitutes a conduit in which both hydraulic brake cylinders 6 and 15 are connected. This is the same as the instant

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invention where both hydraulic brake cylinders 22 and 26 are connected through the shuttle valve 24 to the conduit 18.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

RS

Conferees:

JM   
TW 

 3/20/06  
ROBERT A. SICILIANO  
PATENT EXAMINER